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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/788,751	02/27/2004	Chin-Ying Huang	12929.1104USC2	8446
23552 7:	590 06/10/2004		EXAMINER	
MERCHANT & GOULD PC			MICHALSKY, GERALD A	
P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			ART UNIT	PAPER NUMBER
	,		3753	
			DATE MAILED: 06/10/2004	1

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	/
	10/788,751	HUANG, CHIN-YING	
Office Action Summary	Examiner	Art Unit	_
	Gerald A. Michalsky	3753	_
The MAILING DATE of this communication Period for Reply	appears on the cover sheet wit	h the correspondence address	
A SHORTENED STATUTORY PERIOD FOR RETHE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFI after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, at If NO period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by stany reply received by the Office later than three months after the meanned patent term adjustment. See 37 CFR 1.704(b).	DN. R 1.136(a). In no event, however, may a re a reply within the statutory minimum of thirty indo will apply and will expire SIX (6) MONT latute, cause the application to become AB.	ply be timely filed (30) days will be considered timely. "HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on _			
2a) This action is FINAL . 2b)	This action is non-final.		
3) Since this application is in condition for allocation closed in accordance with the practice und	•	·	
Disposition of Claims			
4) ⊠ Claim(s) 2-22 is/are pending in the applicate 4a) Of the above claim(s) is/are with 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) 2-22 are subject to restriction and	drawn from consideration.		
Application Papers			
9) The specification is objected to by the Exan			
10) The drawing(s) filed on is/are: a)			
Applicant may not request that any objection to			
Replacement drawing sheet(s) including the con 11) The oath or declaration is objected to by the			
	S Examinor. Note the attached		
Priority under 35 U.S.C. § 119			
 12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of: 1. Certified copies of the priority documents. 2. Certified copies of the priority documents. 3. Copies of the certified copies of the priority documents. * See the attached detailed Office action for a 	nents have been received. nents have been received in Appriority documents have been reau (PCT Rule 17.2(a)).	oplication No received in this National Stage	
Attachment(s)	_		
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)		ummary (PTO-413) /Mail Date	
 Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB Paper No(s)/Mail Date 	,	formal Patent Application (PTO-152)	

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DETAILED ACTION

1. It is noted that this application appears to claim subject matter disclosed in prior Application Serial No. 09/755,316, filed 29 December 2000, now U.S. Patent No. 6,520,199. A reference to the prior application must be inserted as the first sentence of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e) or 120. See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of ALL nonprovisional applications. Also, the current status of all nonprovisional parent applications referenced should be included.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of <u>FOUR</u>

MONTHS from the actual filing date of the application (I.E., BY 27 JUNE 2004) or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is <u>NOT EXTENDABLE</u> and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable,

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WITHIN THIS TIME PERIOD is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 2-12, drawn to gas valve apparatus, classified in class 137, subclass 66.
 - II. Claims 13-22, drawn to a method of controlling flow of a combustible fluid, classified in class 137, subclass 12.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP §

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806.05(e)). In this case the method of Group II as claimed can be practiced by another and materially different apparatus. For example, the method of claim 13 can be practiced with manual rather than electromagnetic valves. Furthermore, the apparatus of Group I as claimed can be used to practice another and materially different method. For example, the apparatus of Group I as claimed can be used to control a non-combustible fluid such as inert gas.

- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald A. Michalsky whose telephone number is (703) 308-1049. The examiner can normally be reached on M-F 5:30 AM - 2 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (703) 308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gerald A. Michalsky Primary Examiner Art Unit 3753